

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

ALASTAIR LEE STEWART

Criminal No. 17-312
Chief Judge Mark R. Hornak

UNITED STATES' SENTENCING MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Scott W. Brady, United States Attorney for the Western District of Pennsylvania, and Christy Criswell Wiegand, Assistant United States Attorney for said district, and respectfully submits the following Sentencing Memorandum to assist the Court in imposing a fair, reasonable, and just sentence.

I. BACKGROUND

This case was presented by the Pennsylvania State Police and the Federal Bureau of Investigation. From November 2016 until March 27, 2017, Alastair Lee Stewart engaged in internet conversations with a 12 year-old female victim. They initially met over the chatting application called "Live me" and later communicated over Skype, Snapchat and text message. During the course of these conversations, the victim advised Stewart that she was 14 years old and in school. The victim ultimately provided Stewart with naked pictures of her breasts and vaginal area on March 5, 2017 and March 22, 2017. The victim also provided Stewart with her address and the address of her grandfather's residence where she frequently stayed overnight. Presentence Investigation Report ("PSIR") ¶ 12.

Stewart then traveled from Fort Smith, Arkansas to the victim's residence in New Bethlehem, PA and they arranged to meet at her grandfather's residence in New Bethlehem on March 24, 2017. Stewart told the minor victim that he was 21 years old and in the military,

specifically Army artillery. Stewart took a Greyhound bus to Punxsutawney and walked to the victim's grandfather's home. Once in New Bethlehem, Stewart hid in a motorhome in the backyard of the victim's grandfather's residence. Stewart and the victim met inside a motorhome at her grandfather's residence where Stewart sexually assaulted the victim on March 24, 2017 and March 25, 2017. During these assaults, Stewart hid in a wooded area adjacent to the grandfather's residence. Stewart fled the area on March 26, 2017. PSIR ¶ 13.

Stewart provided "gifts" to the victim when he came to visit: a set of three dog tags with his name and social security number on them, a ring, and a military-themed sweatshirt. All of those items were recovered by the Pennsylvania State Police from the minor victim. The dog tags are also depicted on Stewart's Facebook page. PSIR ¶ 14.

On March 27, 2017, PSP Trooper Maurer interviewed the victim's father. The victim's father related that he became aware of the incident on March 26, 2017, when his wife found a "hickie" mark on his daughter's neck. His wife asked the victim where she got the "hickie" and she said that she fell down the stairs. On the victim's phone, her father found text messages, which caused him to believe that someone had recent sexual intercourse with his daughter. While he was reading the text messages, Stewart texted the victim's phone. When the victim's father told Stewart that his daughter was only 12 years old, Stewart claimed that he thought that she was 14 and that he was only 16 years old, which is false. The victim's father called 911, filed a police report, and requested an investigation. PSIR ¶ 15.

On March 27, 2017, PSP Trooper Maurer interviewed the minor victim. During the interview, the victim stated that she had been communicating with a person named Alastair Stewart, a 21 year-old man from Fort Smith, Arkansas. She knew that he was 21 years old because

that is what he told her. The victim acknowledged that she told Stewart that she was 14 years old. PSIR ¶ 16.

Stewart was charged in Armstrong County with Rape, Statutory Sexual Assault, Involuntary Deviant Sexual Intercourse, Unlawful Contact with a Minor, Sexual Assault, Aggravated Indecent Assault, Endangering the Welfare of Minors, Criminal Solicitation/transmission of Sexually Explicit Images by Minor, Corruption of Minors, Indecent Assault, Simple Assault and Harassment. He was arrested on April 3, 2017 in Fort Smith, Arkansas and extradited to the Western District of Pennsylvania, where he remains in custody. A phone that was in his possession at the time of arrest was seized and a search warrant was obtained for it by the Pennsylvania State Police. The phone contained saved screenshots of the images that the minor victim had sent to him over Snapchat of her genitalia. PSIR ¶ 17.

Stewart's use of the internet, and his travel from Arkansas to Pennsylvania, satisfy the interstate commerce element of the coercion and enticement of a minor to engage in illicit sexual activity charge. PSIR ¶ 18.

II. PROCEDURAL HISTORY

The five count Indictment in this case charged the defendant with Coercion and Enticement of a Minor to Engage in Illegal Sexual Activity, in violation of 18 U.S.C. § 2422(b) (Count 1); Travel with Intent to Engage in Illicit Sexual Conduct, in violation of 18 U.S.C. §§2423(b) & (e) (Count 2); Two Counts of Receipt of Material Depicting the Sexual Exploitation of a Minor, in violation of 18, U.S.C. §§2252(a)(2) (Counts 3 and 4); and Possession of Material Depicting the Sexual Exploitation of a Minor, in violation of 18 U.S.C. §2252(a)(4)(B) (Count 5).

On December 17, 2018, Stewart pleaded guilty to Count 1 of the Indictment pursuant to a written plea agreement, and acknowledged responsibility for the conduct charged in Counts 2 through 5.

III. ARGUMENT

This is a unique and extremely serious case. Not only did the defendant, Alistair Stewart, *intend* to meet and have sex with a child, but he *acted* on that intent, traveling across numerous states by bus to the home of the victim, and to her grandfather's home, and sexually assaulting her multiple times over the course of several days.

The victim of these heinous assaults was a twelve year old girl at the time. The impact of the crime on this young victim and her family has been profound, and will be long-lasting.

The United States agrees with the advisory guidelines calculation set forth in the Presentence Investigation Report, which includes a total offense level of 34, a criminal history category of I, and an advisory Guidelines Range of 151 to 188 months (PSIR ¶¶ 10, 23-33, 37). The Coercion and Enticement of a Minor charge (Count 1) of the Indictment, to which the defendant has pled guilty, carries a statutory mandatory minimum sentence of ten years' imprisonment. 18 U.S.C. § 2422(b); PSIR ¶ 59.

Defendant accepted responsibility for his offense and notified the government of his desire to plead guilty to avoid the further unnecessary expense of government and judicial resources. The parties have thoroughly reviewed the evidence in the case and arrived at the plea agreement previously provided to the Court, which properly addresses the seriousness of the offense and the defendant's specific role in the crime of conviction, as well as the defendant's willingness to accept responsibility to avoid further harm to the minor victim.

The United States agrees with the PSIR's conclusion that no factors warranting a downward departure from the applicable Guidelines range have been identified. To the contrary, the defendant's offenses are extremely serious and warrant a Guidelines range sentence. The defendant not only planned, but carried out, an interstate bus trip, and then upon arrival sexually assaulted the young child victim multiple times over the course of days. The United States respectfully submits that a sentence within the advisory Guidelines range will reflect the seriousness of this offense, promote respect for the law, provide just punishment, and protect the public from further crimes of this defendant.

Respectfully submitted,

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/s/ Christy C. Wiegand
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